BILL NO. Z-87-0411

ZONING MAP ORDINANCE NO. Z-Withdrawn

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. M-18.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-1-B (Limited Business) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Lot 7 of John H. Jacobs Addition and the North 33 1/3 feet of Lot 8 John H. Jacobs Addition to the City of Fort Wayne, Indiana,

Lot 6 of John H. Jacobs Addition to the City of Fort Wayne, Indiana,

The South 16-2/3 feet of Lot 8, and the North 16-2/3 feet of Lot 9 of John H. Jacobs Addition to the City of Fort Wayne, Indiana,

The South 33-1/3 feet of Lot 9 of John H. Jacobs Addition to the City of Fort Wayne, Indiana,

Lot 10 of John H. Jacobs Addition to the City of Fort Wayne, Indiana, as recorded in Plat Book 2, Page 88, in the Office of the Recorder of Allen County, Indiana; except that portion thereof appropriated for street.

and the symbols of the City of Fort Wayne Zoning Map No. M-18, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Janet G. Bradbury
Councilmember

APPROVED AS TO FORM AND LEGALITY:

BOB

BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Bradbury seconded by Redd, and duly adopted, read the second tir by title and referred to the Committee Regulations (and the C: Plan Commission for recommendation) and Public Hearing to be Held after due legal notice, at the Council Chambers, City-County Building, Fort Wa Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock ____.M.,I

DATE: 4-14-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____ seconded by _____, and duly adopted, placed on it: passage. PASSED (LOST) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	____	____	_____	_____	_____
BRADBURY	____	____	_____	_____	_____
BURNS	____	____	_____	_____	_____
EISBART	____	____	_____	_____	_____
GiaQUINTA	____	____	_____	_____	_____
HENRY	____	____	_____	_____	_____
REDD	____	____	_____	_____	_____
SCHMIDT	____	____	_____	_____	_____
STIER	____	____	_____	_____	_____
TALARICO	____	____	_____	_____	_____

DATE: 7-14-87.

SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. _____ on the _____ day of _____, 19____,

ATTEST: (SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19____ at the hour of _____ o'clock _____.M.,E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____ 19____, at the hour of _____ o'clock _____.M.,E.S.T.

WIN MOSES, JR., MAYOR

ORIGINAL

Admn. Appr. _____

COUNCILMANIC DISTRICT No. ____ DIGEST SHEET ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE 2414, 2420, 2502, 2506 & 2518 No Clinton Street

3-87-0411

EFFECT OF PASSAGE Property is presently zoned R-1 - Single Family Residential. Property will become B-1-B - Limited Business District.

EFFECT OF NON-PASSAGE Property will remain R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.)

FACT SHEET

Z-87-04-11

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Ordinance Amendment From R-1 to B-1-B		

DETAILS

Specific Location and/or Address

2414, 2420, 2502, 2506 & 2518 No Clinton St

Reason for Project

Retail stores and/or services.

PETITIONERS HAVE WITHDRAWN THEIR REQUEST

Discussion (Including relationship to other Council actions)

20 April 1987 - Public Hearing

Minutes of Public Hearing are attached.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Wayne Lomont./ Haffner Paint Co / Philip Renaurt/ Robt & Porti Kock City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [ ] For [ ] Against [X] No Action Taken [ ] For with revisions to conditions (See Details column for condition
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

June 22, 1987 - Business Meeting

This ordinance was being held for conditions to be satisfied when 51% of the property owners requested it be withdrawn.

Motion was made to withdraw the ordinance.

Of the 6 members present 5 voted in favor of the withdrawal, one (1) did not vote.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start **Date** March 20, 1987

Projected Completion or Occupancy **Date** June 25, 1987

Fact Sheet Prepared by **Date** June 25, 1987

Patricia Biancaniello

Reviewed by **Date** 6/26/87

Reference or Case Number

Craig Finlayson, attorney representing the petitioners stated that they had sought to have the zoning changed on Lot 7 and part of Lot 8. He stated that it was the staff recommendation that they talk to the rest of the owners and see if they would want to join in the petition. He stated that this property lies south of Haffner Paints and north of the Fish and Scale Store and Classic Stereo. He stated presently there are 5 homes on the tracts to be rezoned. He stated that some of the conditions placed on the recommendation for approval are causing great concern for all of the people involved in the rezoning. He stated that the first condition requesting that they grant a 40 foot ingress/egress easement across the front of the property and that the petitioners construct a roadway there at their expense whenever the city so directs. He stated that there is an elderly woman living in one of the homes, and that the easement would run through her home. He stated that there is also a rental unit on one of the lots and it too would have an easement through the middle of it. He stated that the people in these units do not intend to change the uses at this time. He said they would ask that this condition be removed. He stated that the condition which states that the city wants the right to close all driveways whenever the city so requests. He stated that if they do not have an access easement in and they can close all curb cuts how would they access the properties. He stated that there are a number of different owners. He stated that there are two residential uses, they are willing to have the property rezoned. He stated his client, the original petitioner, who wants to open a barber and a beauty shop. He stated they are talking about generating perhaps 5 cars an hour. He stated that the other two lots are owned by Burger Chef. He stated that he felt that is the reason for the requested access road. He stated that he thought perhaps at some future time Burger Chef would like to have access from Clinton Street as well as Lafayette. He stated that he felt the staff was requesting all of the restrictions and access requirements on all of the properties to solve one property owners problem. He stated they do not need an access road for 5 cars an hour off of No Clinton Street, or for the residential units on No Clinton. He stated that they would request the conditions be removed, but they could live with a request that at such time as all of the properties, as they presently exist, are destroyed.

Janet Bradbury stated that as the properties stand today the conditions may not make any sense. She stated however the Commission is trying to plan for future development that could be developed under the B-1-B zoning. She stated that 5 lots with separate accesses onto a busy street such as No Clinton could prove to be disastrous. She stated she supported staff's recommendation, and thought perhaps a compromise of sorts could be worked out with regard to the access road, as to when it would have to be installed.

Steve Smith stated that we may have things working at cross purposes in that it makes sense to rezone the entire property as

opposed to spot zoning. He stated that if the Commission is going to consider rezoning the entire parcel they would probably want to close all of the driveways and have a frontage road. He stated he urged Mr. Finlayson to work with staff and perhaps try to perfect it back to the two lots that they want to place the beauty/barber shop on.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

Prescribed by State Board of Accounts

A.E. BOYCE CO., MUNCIE, IND. GENERAL FORM NO. 352

RECEIPT

CK# 326

№ 1183

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 3/20 1987

RECEIVED FROM Wayne Lament $ 50.00

THE SUM OF fifty & 00/100 DOLLARS

ON ACCOUNT OF

2400 + 2500 Pk No. Clinton

[signature]

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

INTENDED USE LIMITED BUSINESS ~~Beauty/Barber Shop~~

THIS IS TO BE FILED IN DUPLICATE

Wayne F. Lomont
I~~X~~We Haffner Paint Company, Inc. Philip P. Renuart
Robert A. Kock and Portia Kock
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/~~an~~ R-1 District to a/~~an~~ B-1-B District the property described as follows:

See Exhibit A attached

(Legal Descrption) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

(General Description for Planning Staff Use Only)

I~~X~~We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Wayne F. Lomont	2506 N. Clinton	X Wayne F. Lomont
Haffner Paint Company, Inc.	2530 North Clinton	By: X James C. Haffner
Philip P. Renuart	~~1716 Southern Avenue~~ 1400 NORTH POINT Kalamazoo, MI ~~49001~~ 49007	X Philip P. Renuart
(Name)	(Address)	(Signature) Philip P. Renuart

(If additional space is needed, use reverse side.) OVER

Legal Description checked by _____.
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinan being sent to the newspaper for legal publication. If the request for deferral continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at whic it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matt for hearing before the City Plan Commission. (FILING FEE $50.00)

Name and address of the preparer, attorney or agent.

William D. Swift	590 Lincoln Tower Fort Wayne, IN 46802	423-4422
(Name)	(Address & Zip Code)	(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/ 427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearir approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Owners of Property

(Name)	(Address)	(Signature)
Robert A. Kock	2414 North Clinton	X Robert A Kock Robert A. Kock
Portia Kock	2414 North Clinton	X Portia Kock Portia Kock

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

EXHIBIT A

LOMONT TRACT:

Lot 7 of John H. Jacobs Addition and the North 33-1/3 feet of Lot 8 of John H. Jacobs Addition to the City of Fort Wayne, Indiana, as recorded in Plat Book 2, Page 88, in the Office of the Recorder of Allen County, Indiana; except that portion thereof appropriated for street.

(more commonly known as 2506 North Clinton Street, Fort Wayne, Indiana 46805)

HAFFNER TRACT:

Lot 6 of John H. Jacobs Addition to the City of Fort Wayne, Indiana as recorded in Plat Book 2, Page 88, in the Office of the Recorder of Allen County, Indiana; except that portion thereof appropriated for street.

(more commonly known as 2518 North clinton Street, Fort Wayne, Indiana 46805)

RENUART TRACT:

The South 16-2/3 feet of Lot 8, and the North 16-2/3 feet of Lot 9 of John H. Jacobs Addition to the City of Fort Wayne, Indiana, as recorded in Plat Book 2, Page 88, in the Office of the Recorder of Allen County, Indiana, except that portion thereof appropriated for street.

(more commonly known as 2502 North Clinton Street, Fort Wayne, Indiana 46805)

AND

The South 33-1/3 feet of Lot 9 of John H. Jacobs Addition to the City of Fort Wayne, Indiana, as recorded in Plat Book 2, Page 88, in the Office of the Recorder of Allen County, Indiana; except that portion thereof appropriated for street.

(more commonly known as 2420 North Clinton Street, Fort Wayne, Indiana 46805)

KOCK TRACT:

Lot 10 of John H. Jacobs Addition to the City of Fort Wayne, Indiana, as recorded in Plat Book 2, Page 88, in the Office of the Recorder of Allen County, Indiana; except that portion thereof appropriated for street.

(more commonly known as 2414 North Clinton Street, Fort Wayne, Indiana 46805)

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 14, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-04-11: and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 20, 1987.

WHEREAS, a letter requesting WITHDRAWAL of the proposed ordinance has been filed with the City Plan Commission.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance be withdrawn in accordance with the written request.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 22, 1987.

Certified and signed this
25th day of June 1987.

Robert Hutner
Secretary

BILL NO. Z-87-04-11

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ amending the City of Fort Wayne Zoning Map No. M-18

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) ~~(RESOLUTION)~~ withdrawn

YES		NO
Janet G. Bradbury	JANET G. BRADBURY CHAIRPERSON	
Charles B. Redd	CHARLES B. REDD VICE CHAIRMAN	
Thomas C. Henry	THOMAS C. HENRY	
	PAUL M. BURNS	
	BEN A. EISBART	

CONCURRED IN 7-14-87.

SANDRA E. KENNEDY
CITY CLERK

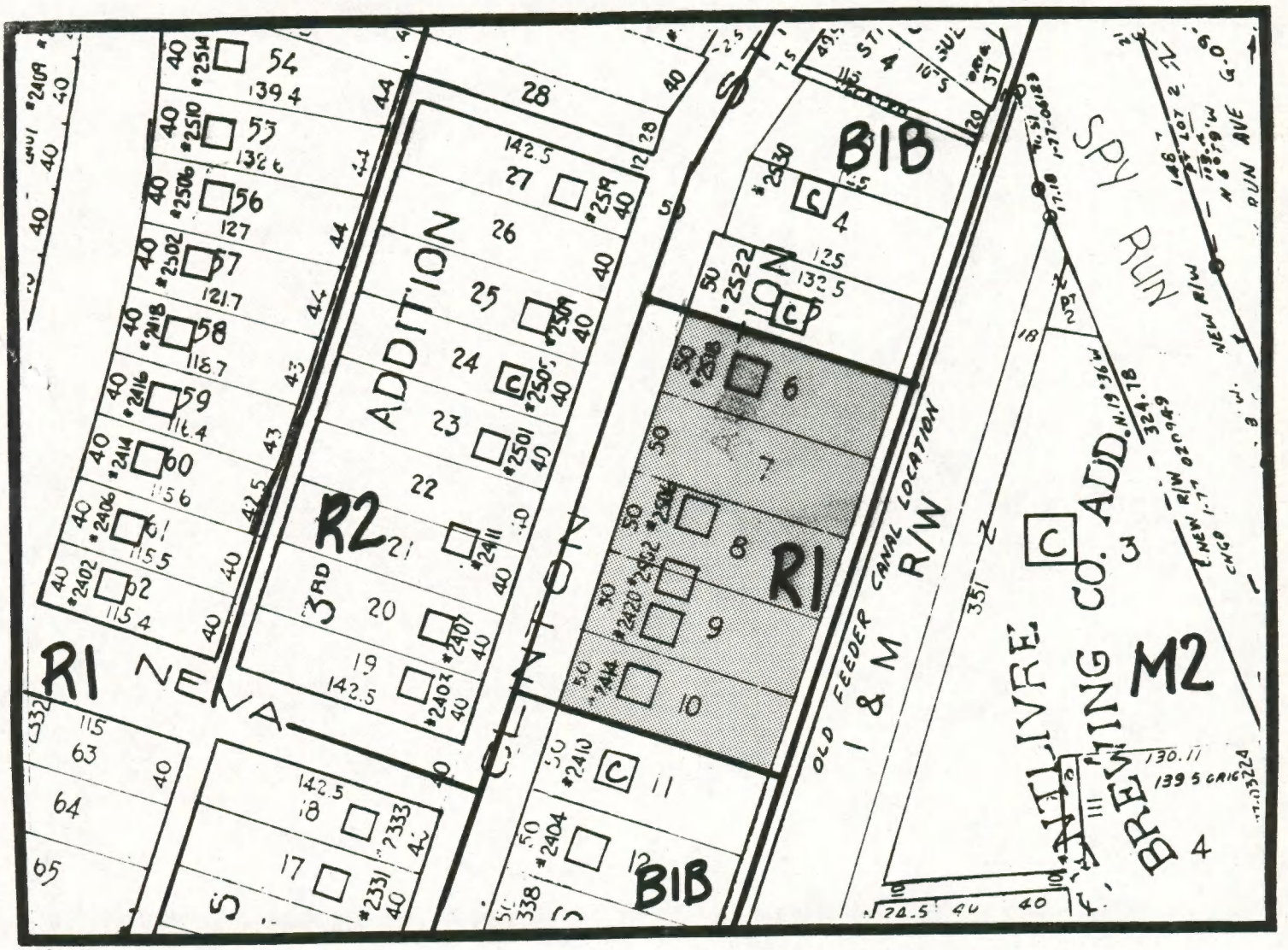
withdrawn

REZONING PETITION #345

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R1 TO A B-1-B DISTRICT.

MAP NO. M-18

COUNCILMANIC DISTRICT NO. 3



ZONING:

R1 RESIDENTIAL DISTRICT
R2 RESIDENTIAL DISTRICT
BIB LIMITED BUSINESS 'B'
M2 GENERAL INDUSTRY

LAND USE:

□ SINGLE FAMILY
ⓒ COMMERCIAL

N

SCALE: 1" = 100'

DATE: 4-1-87